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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY:

DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

MICHAEL INGLIS and SANTA CRUZ
POWER SPORTS, INC.

Plaintiffs,

vs.

JOHN MAYNARD, *in personam* and M/V
PICOSO, Official Number 1049069, Hull
Number CHX35X78G697, a 1997, 34.4
foot long Cabo Yachts motor vessel, her
engines, tackle, furniture, apparel, etc., *in*
rem, and DOES 1-20,

Defendants.

Case

06CV 2387 LAB CAB

**[PROPOSED] ORDER FOR ARREST
OF VESSEL UNDER RULE D OF
SUPPLEMENTAL ADMIRALTY
RULES**

1 Plaintiffs, MICHAEL INGLIS and SANTA CRUZ POWER SPORTS, INC.
2 ("Plaintiffs"), have applied for an order authorizing the issuance of a warrant for the
3 arrest of the vessel M/V PICOSO, Official Number 1049069, Hull Number
4 CHX35X78G697, a 1997, 34.4 foot long Cabo Yachts motor vessel, and her
5 engines, masts, anchors, cables, chains, rigging, tackle, apparel, furniture and all
6 appurtenances and necessities thereto appertaining (the "Vessel"), the defendant
7 vessel in this action.
8

9 Upon reviewing Plaintiffs' Verified Complaint and supporting papers in
10 accordance with the Supplemental Rules for Admiralty Rule D and C (3), Federal
11 Rules of Civil Procedure, the Court finds that the conditions for an action *in rem*
12 appear to exist, and; therefore,
13

14 IT IS HEREBY ORDERED that the Clerk of this Court is authorized to and shall
15 issue a Warrant of Arrest of the Vessel;
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17 IT IS HEREBY FURTHER ORDERED that the Marshal of this District is authorized to
18 and shall serve the warrant of arrest on the Vessel, take her into custody in this District, and
19 keep her in custody until further order of the Court or upon express authorization from
20 Plaintiff's attorney in accordance with the Supplemental Rules for Admiralty Rule E, Federal
21 Rules of Civil Procedure;
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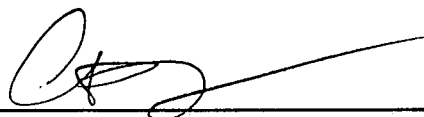
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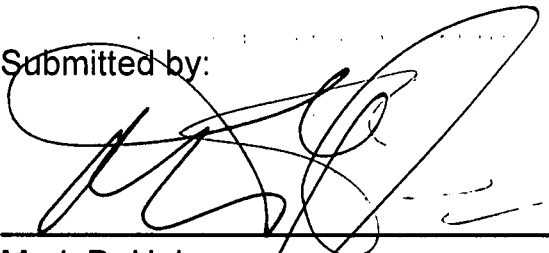
1 IT IS HEREBY FURTHER ORDERED that any person holding an interest in the vessel
2 arrested hereunder shall, upon application to the Court, be entitled to a prompt hearing
3 upon not less than three (3) days notice to Plaintiff, at which time Plaintiff shall be required
4 to show why the arrest should not be vacated or other relief granted; and

5 IT IS HEREBY FURTHER ORDERED that a copy of this Order shall be attached
6 to and served with the Warrant of Arrest.
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11 Dated: 10/30/06


12 UNITED STATES ~~DISTRICT~~ JUDGE
13 **CATHY ANN BENCIVENGO**
14 **U.S. MAGISTRATE JUDGE**

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17 Submitted by:


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20 Mark D. Holmes
21 McKasson, Klein & Holmes LLP
22 Attorneys for Plaintiffs
23 MICHAEL INGLIS and SANTA CRUZ POWER
24 SPORTS, INC.
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